

Excerpts

Planning Commission Minutes

June 12, 2002

Application No. PD-14-02, Villa Development, LLC and The Villas on Shady Banks, LLC: Request to amend the York County Zoning Map by reclassifying approximately 63.8 acres of land located on the north side of Hampton Highway (Route 134) approximately 370 feet east of its intersection with Ascot Drive (Route 1676) from RR (Rural Residential) to PD (Planned Development) subject to voluntarily proffered conditions. The applicant seeks to develop a 92-unit quadruplex development.

Tim Cross gave an audiovisual presentation summarizing the staff memorandum to the Planning Commission dated June 4, 2002, in which the staff recommended denial of this application.

The members asked about emergency response. Mr. Cross said the staff had concerns about increasing demands on the County's emergency response teams due to increased population density. He stated that the Fire and Life Safety Department has indicated that the average emergency response time in Yorkshire Downs is between four and five minutes. He said the County participates in mutual aid agreements with all surrounding jurisdictions for emergency assistance.

The Commissioners asked if there had been an increase in emergency calls since Rainbrook Villas was occupied. Mr. Cross said there had not been.

Chair Semmes opened the public hearing.

Paul Garman, Mid-Atlantic Commercial Realty, represented the applicant. Mr. Garman said the success of Rainbrook Villas is evidence of its consistency with the Comprehensive Plan. Mr. Garman said the population aged 55 and over will continue to grow in number and percentage of population in the County. The applicant requests one unit more per acre than the Comprehensive Plan calls for, he acknowledged, and said if the project is not approved the developer will build it with 57 or 60 units. He displayed renderings and explained that no back yards are planned but the front yards run the entire length of the project. This type of development in the southern end of the County is consistent with the Comprehensive Plan, according to Mr. Garman, and the subject site is the only land available for the project. He believed the development would enhance the view of the southern entrance to the County. He said no tidal wetlands or areas protected by the Chesapeake Bay Preservation Act would be disturbed. He said the County could realize tax gains from the project amounting to approximately \$500,000.

The Chair opened the public hearing.

Elwood L. Bland, 16 Timberline Loop, said that as a resident of Rainbrook Villas, he could support the application. Mr. Bland served on the Comprehensive Plan Review Committee and recalled that the area in question was proposed for high-density development. He and his wife have resided at

Rainbrook Villas for two years, he said, and would consider the proposed development to be as great an asset to the County as Rainbrook Villas is. He did not think the proposal would present any demands on schools or transportation services nor decrease the residential property tax revenues. Mr. Bland believed it would be “the right project in the right place,” would enhance the visual statement upon entering York County from Hampton, and would be an asset to current and future residents. He recommended approval.

Lillian M. Deloney, 306 Timberline Loop, has resided at Rainbrook Villas for one year. She has been disappointed in the promises made but not kept by the developer, including yard and garden not finished on time and still not maintained, leaves not raked, gutters not cleaned, and work that needs to be done that has not been scheduled. She said drainage problems result in ankle-deep water that stands in the yards and in some garages. Ms. Deloney recommended denial to the developer for this and any other project until Rainbrook Villas is completed.

Lois P. Moore, 224 Timberline Loop, said the developer has been responsive, the neighbors are friendly, and the amenities are considerable. She believes the County would benefit from having another development similar to Rainbrook Villas, and recommended approval.

Edna Haggerty, 403 Timberline Loop, moved back to York County after having lived temporarily in Florida. Ms. Haggerty spoke of the abundant active adult communities in Florida and all of the amenities they afford their residents, including shopping, banking and other services. She believes that Virginia is losing retirees to Florida because Virginia does not cater more to senior citizens. The retired military population in York County is a “gold mine,” she said. Seniors are providers of funds, not users, according to Ms. Haggerty.

Tim and Sandy Patterson, 128 Ponsonby Drive, Yorkshire Downs, noted the development would be directly behind their house and adjacent to wetlands, and expressed concern about disturbing the ecosystem and possible flooding. The existing wetlands provide a beautiful entry to York County, they said. The Pattersons said the proposed development “is all about money” and provides no protection for homeowners. They want York County to protect its current residents and the value of their property.

Joseph Haggerty, 403 Timberline Loop, read aloud a letter from a citizen unable to attend this meeting, Janice Meredith Wood, 239 Timberline Loop, in which Ms. Wood “expressed how important a community like Rainbrook Villas can be to its residents....This type of housing is desperately needed.”

Joseph Wallace, 113 West Woodland Road, stated that his grandmother has owned the subject property since 1939. The property has been rezoned to RR, easing the tax burden on his grandmother, Mr. Wallace said, although her property taxes are still 43 percent of her fixed income. The wildlife in the marsh disappeared after Yorkshire Downs was developed, he said. He did not think the area had ever flooded. Mr. Wallace requested approval of the application because it would allow better

utilization of the land and at the same time help his grandmother maximize her long-term investment. He added that the County should continue to think of its elderly citizens in all its deliberations.

Ronda Onware, 6410 Summer Ridge Drive, Missouri City, Texas, has relatives at 37 Wythe Creek Road and asked if the development would include that property.

Myra Dixon, 21 Sacramento Drive, represented the property owner at 37 Wythe Creek Road. She was concerned that the proposal includes that property and stated that the owner would not agree to that. Ms. Dixon said she thought traffic would increase and the surrounding marshland would be negatively impacted by the development. She said she has seen the water levels rise in the marsh and recommended that new construction there be elevated above ground level. Ms. Dixon said that she enjoys the wildlife and the beauty of the land, and requested denial. Mr. Semmes explained that 37 Wythe Creek Road is not part of the proposed development.

Roberto Cana, 124 Ponsonby Drive, lives 25 feet from the proposed development. He feared reduced property values for his own home and wanted to protect trees, wildlife and the view that he and his neighbors enjoy.

Rich Engle, 130 Ponsonby, has lived on a cul de sac that borders the wetlands since it was developed. Mr. Engle said he has witnessed the water from the wetlands rising to the level of his house's 10-foot-high foundation, which also caused sewers to back up. He enjoys the beauty and wants to protect the wetlands.

Willie Grace, 205 St. George Drive, was opposed to a fence being constructed at St. George Drive because it would go through his yard and impact his landscape. He purchased his home for the privacy the cul de sac afforded and wanted to maintain the same level of privacy. He favored denial.

Chad Hill, 126 Ponsonby Drive, stated they had found their home after a long search for a house "that had nothing behind it" and became convinced the Resource Protection Area behind it would never be developed. They were concerned about the required 25-foot-buffer and six-foot-privacy fence that would border the rear of their property, 25 feet from their house. Mr. Hill thought the fence would reduce their property value but if it is necessary it should be on the developer's side of the property.

Kim Hill, 126 Ponsonby Drive, thought families might be attracted to the development and said there is nothing in the applicant's market plan to prevent homebuyers under the age of 55, who could impact the schools.

Judy Burke, 206 Timberline Loop, said Rainbrook Villas affords a very enjoyable lifestyle but she would like for the developer to correct its problems before he is allowed to proceed with the subject proposal.

Hearing no others, Chair Semmes closed the public hearing.

Charles Newbaker, The Sirine Group, Gloucester, responded for the applicant to Mr. Semmes' question about the flood zone of the subject property. The property is in AE flood zone up to Elevation 8, he explained, and none of the area proposed for construction or land disturbance lies in a Resource Protection Area. All proposed development would be above Elevation 8. The property on Ponsonby Drive is below Elevation 8, he added.

Mr. Semmes asked why a turn lane with a taper is recommended along Hampton Highway. Mr. Newbaker said that consultation with the Virginia Department of Transportation and other traffic experts convinced the developer to recommend a turn lane and taper from Hampton Highway because of the speed of traffic in that area.

Mr. Semmes inquired about the zoning of the nearby properties that lie in the City of Hampton. Mr. Garman replied they are a mix of uses, including an industrial park and a trailer park.

Mr. Hendricks expressed appreciation for public comments and believed there are valid arguments on both sides. He spoke of the work of the Comprehensive Plan Review Committee and what it envisioned for the Hampton Highway corridor: preservation of the greenbelt and nodal commercial development. He felt the vision is coming to fruition. There is a need for housing targeted to seniors and by most measures Rainbrook Villas has met some of that need. The location selected for the proposed Villas on Shady Banks is consistent with the vision of the Comprehensive Plan, the development would have a low impact on that property and low impact on County citizens, and the relevant issues were adequately addressed. He noted that in similar circumstances property values in Coventry actually held steady or rose above the Peninsula average. He cautioned about the maintenance required for mulch trails, which also are impractical for wheelchairs and carts. Mr. Hendricks supported approval of the application.

Mr. Ptasznik believes managed growth that encourages citizen involvement has drawn many homeowners to York County. However, the southern end of the County has experienced a dramatic increase in density and York County overall has experienced a 32% population increase in the past 10 years, he said. He believed that seniors are interested more in lifestyle than location, and the lower County, particularly District 5, is already overpopulated. Mr. Ptasznik also believed some residents of the proposed development would be in the work force and thereby increase traffic. For all of those reasons, he could not support approval.

Ms. White believed the proposal is first class and the developer would be sensitive to environmental issues, but she could find no compelling need to recommend excessive population density.

Mr. Simasek commended the staff as competent experts in their field, but felt that the applicant had adequately addressed concerns about the environment and emergency response times, along with other issues. Mr. Simasek believed the project make good use of the land and he favored approval.

Mr. Heavner mentioned the success of Rainbrook Villas and said he favored approval of this application.

Mr. Beil was concerned about encouraging U-turns on Route 134 and about population density in the lower County, but could support approving 56 units instead of the requested 92.

Mr. Semmes noted the success of Rainbrook Villas, but said he could not support the project because of traffic and density concerns, and he did not believe it was the best use of the property.

Mr. Ptasznik moved adoption of PC02-18, "A Resolution to Recommend Approval of a Planned Development of Quadruplex Homes on Hampton Highway." It was defeated by roll call vote of 3:4 (Yes – Simasek, Hendricks, Heavner; No – Ptasznik, White, Beil, Semmes).
